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PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
NINE HUNDRED AND NINETY-FOURTH MEETING

Held at Headquarters, New York,
on Monday, 17 June 1991, at 4 p.m.

President:	Mr. BECHIO	(Côte d'Ivoire)
Members:	Austria	Mr. HOHENFELLNER
	Belgium	Mr. NOTERDAEME
	China	Mr. JIN Yongjian
	Cuba	Mr. ZAMORA RODRIGUEZ
	Ecuador	Mr. POSSO SERRANO
	France	Mr. MERIMEE
	India	Mr. MENON
	Romania	Mr. MUNTEANU
	Union of Soviet Socialist Republics	Mr. VORONTSOV
	United Kingdom of Great Britain and Northern Ireland	Mr. RICHARDSON
	United States of America	Mr. WATSON
	Yemen	Mr. AL-ASHTAL
	Zaire	Mr. BAGBENI ADEITO NZENGEYA
	Zimbabwe	Mr. MUMBENGEGWI

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91-60752/A 5133V (E)

The meeting was called to order at 4.40 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION BETWEEN IRAQ AND KUWAIT

PLAN FOR THE IMPLEMENTATION OF RELEVANT PARTS OF SECTION C OF SECURITY COUNCIL RESOLUTION 687 (1991): REPORT OF THE SECRETARY-GENERAL (S/22614)

NOTE BY THE SECRETARY-GENERAL (S/22615)

REPORT OF THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 26 OF SECURITY COUNCIL RESOLUTION 687 (1991) (S/22660)

The PRESIDENT (interpretation from French): I should like to inform members of the Council that I have received a letter from the representative of Iraq in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in conformity with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Nima (Iraq) took a place at the Council table.

The PRESIDENT (interpretation from French): The Security Council will now begin its consideration of the item on the agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the following documents: report of the Secretary-General on the plan for the implementation of relevant parts of section C of Security Council resolution 687 (1991), document S/22614; note by the Secretary-General submitting to the members of the Council the text of

(The President)

a letter addressed to him under paragraph 13 of Security Council resolution 687 (1991) by the Director General of the International Atomic Energy Agency (IAEA), document S/22615; and report of the Secretary-General pursuant to paragraph 26 of Security Council resolution 687 (1991), document S/22660.

Members of the Council also have before them document S/22686, containing the text of a draft resolution submitted by France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and document S/22698, containing the text of a draft resolution submitted by Belgium, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I should like to draw the attention of members of the Council to document S/22682, which contains the text of a letter dated 9 June from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General, and document S/22689, which contains the text of identical letters dated 11 June 1991 from the Chargé d'affaires, a.i. of the Permanent Mission of Iraq to the United Nations addressed respectively to the Secretary-General and the President of the Security Council.

The first speaker is the representative of Iraq, on whom I now call.

Mr. AL-NIMA (Iraq) (interpretation from Arabic): My delegation wishes to congratulate you, Sir, on your assumption of the presidency of the Council for this month. We wish you every success. We also wish to express deep appreciation to your predecessor, the Ambassador of China, Mr. Li Daoyu, who conducted the Council's business in a wise and able manner last month.

(Mr. Al-Nima, Iraq)

My delegation has comments to make on the draft resolution in document S/22686. First I should like to give a comprehensive review clarifying the implementation of resolution 687 (1991) - the degree of Iraq's compliance and the fulfilment of its responsibilities under that resolution.

The Iraqi Government accepted resolution 687 (1991), expressing its formal acceptance on 6 April in a message to the President of the Security Council and the Secretary-General. I wish to state that the Iraqi Government both accepted the resolution and dealt with it positively.

Allow me, Sir, to review the measures taken by the Iraqi Government to implement the provisions of that resolution in fulfilment of its obligations under it.

First, as regards section A, on the demarcation of the boundary between Iraq and Kuwait, the Iraqi Government designated a representative to attend meetings of the demarcation Committee, which held its first meetings in New York on 23 and 24 May this year. The representative of Iraq participated effectively and constructively in the work of that session.

Secondly, as regards section B, concerning the deployment of observers in the area between Iraq and Kuwait, the Iraqi authorities on a number of occasions received in Baghdad the head of the observer team, Major-General Gunther Greindl, and his assistants following his appointment, and steps on the deployment of the team in the demilitarized zone were agreed in May.

(Mr. Al-Nima, Iraq)

There is constant cooperation between the competent Iraqi authorities and the observer team, through the proper channels, as well as between those authorities and the head of the team and the United Nations Secretariat.

Thirdly, as regards section C of the resolution, which called for the implementation of the obligation to destroy weapons of mass destruction and not to use, develop or possess such weapons, Iraq has deposited ratification documents in which it accepts the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) Weapons of 10 April 1972, as well as its unconditional obligations under the Geneva Protocol of 17 June 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. The Iraqi Government has presented information concerning the locations, quantities and types of chemical weapons and ballistic missiles and has agreed to submit to on-site inspection, in accordance with the resolution. Iraq has also undertaken the unconditional obligation not to use, develop, manufacture or acquire any of the material referred to in the resolution. It has confirmed the obligation it has assumed under the non-proliferation Treaty of 1968. Iraq has unconditionally agreed not to produce or possess nuclear weapons or any materials that could be used to manufacture such weapons. Iraq has also notified the International Atomic Energy Agency (IAEA) of the message by the Foreign Minister dated 27 April 1991 in which he expressed Iraq's willingness to cooperate in the implementation of the provisions of the resolution; annexed to the message were tables giving information on the nuclear facilities in Iraq. Detailed data on the situation regarding other weapons referred to in the resolution have been given to the Special Commission established in connection with the implementation of section C of the resolution.

(Mr. Al-Nima, Iraq)

In a letter to the Secretary-General in May 1991 Iraq expressed its agreement to the proposals concerning immunities and privileges for the Special Committee and its teams that would visit Iraq. The special inspection team on nuclear weapons visited Iraq between 14 and 22 May 1991. On 23 May 1991 the IAEA, in a statement, confirmed that the Iraqi side had cooperated fully with the inspection team and acceded to all its requests. The special inspection team on chemical weapons, accompanied by the Chairman of the Special Commission, started its mission with a visit to Iraq between 9 and 15 June. Iraq provided the inspection team with all the means necessary to ensure the success of its mission.

With regard to section D of the resolution, concerning the return of Kuwaiti property, Mr. Richard Foran, an Assistant Secretary-General, visited Iraq twice in May 1991. The Iraqi authorities expressed their willingness to return property about which it had notified the United Nations Secretariat. Actually, one civil aircraft belonging to Kuwait was handed over in Amman on 11 May 1991. Mr. Foran visited the sites and other locations and inspected the gold coins and banknotes, the antiquities and books, and the civil aircraft that were to be returned to Kuwait after agreement was reached on the place of delivery. Mr. Foran regarded the aforementioned items as having priority. There can be no doubt that the same treatment would apply to other Kuwaiti property.

Fifthly, as regards sections E and F of the resolution, concerning compensation and the lifting of sanctions, no measures are required by Iraq.

As for section G, measures continue to be taken by the Iraqi authorities in connection with the return of all Kuwaiti and third-country nationals to their countries of origin. Iraq has provided a list containing the names of

(Mr. Al-Nima, Iraq)

such persons. A mission of the International Committee of the Red Cross was given access to the locations in Baghdad where these persons were being detained. It should be noted that 6,366 persons have been freed and repatriated. Among these, 6,289 were Kuwaitis, 36 Americans, 5 Italians, 13 Saudis, 17 French, 1 Spaniard, 2 Brazilians, 1 Norwegian, 1 Uruguayan and 1 Irish. The Iraqi authorities are still carrying out research to find the missing from among the Coalition countries so that they can be returned to their countries after registration by the mission of the International Committee of the Red Cross.

The competent Iraqi authorities have facilitated the task of the International Committee of the Red Cross in directly registering the Kuwaiti nationals in Iraq. More than 3,000 Kuwaitis have thus been registered. The remains of 15 persons have been returned to the Coalition countries.

As for section H of the resolution, concerning international terrorism, the following should be noted.

Iraq has participated with the international community in efforts to combat international terrorism. It should be noted that the draft resolution which was adopted by the General Assembly on 9 December 1985 as resolution 40/61 was adopted in the Sixth Committee under the chairmanship of Iraq during the fortieth session of the Assembly. The representatives of many countries expressed their appreciation of the efforts made by Iraq to that end. Moreover, Iraq is a party to some of the most important international conventions dealing with crimes of terrorism, such as the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo in 1963; the Convention on the prevention of hijacking, signed at The Hague in 1970; the Convention for the Suppression of Unlawful Acts against the Safety

(Mr. Al-Nima, Iraq)

of Civil Aviation, signed in Montreal in 1971; and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed in New York in 1973. Iraq also took part in the final stages of the drafting of the International Convention against the Taking of Hostages, adopted in New York in 1979.

(Mr. Al-Nima, Iraq)

Moreover, Iraqi legislation approaches terrorist crimes from two angles: prevention and punishment. Iraq's penal code does not view terrorist crimes as political crimes.

The Government of the Republic of Iraq does not pursue any policy with respect to international terrorism that runs counter to international law. As stated previously, its position is consistent with that of most members of the international community. In his letter dated 11 June 1991 addressed to the Secretary-General in accordance with paragraph 32 of resolution 687 (1991), our Foreign Minister confirmed that Iraq would commit no act that could be considered international terrorism or permit any organization intending to commit such an act to operate within its territory, and that Iraq condemns unequivocally and renounces all acts, methods and practices of terrorism.

My country's Government wishes to affirm its absolute readiness to cooperate with respect to the implementation of section C of resolution 687 (1991) and its desire not to raise any obstacle to implementation of the resolution. Unfortunately, my Government notes that paragraph 4 of draft resolution S/22686, concerning adoption of the Secretary-General's plan for the implementation of section C of resolution 687 (1991), makes the Government of Iraq liable for all the costs of carrying out the tasks entrusted to the Secretary-General. My Government rejects liability for the cost of destroying the chemical weapons. On the other hand, it affirms its willingness to cooperate and by its own efforts voluntarily to destroy or render harmless the said weapons. It has at its disposal the necessary expertise and technical facilities to do so in a way that will achieve the desired objective under the supervision and to the satisfaction of United Nations experts. My Government is prepared to discuss this subject with United Nations experts in order to

(Mr. Al-Nima, Iraq)

confirm the destruction plan formulated by its technicians and to establish the plan's exact details by carrying out practical tests and determining what additional measures the destruction will require, together with any additional input of resources, in accordance with internationally accepted procedures in this regard.

Participating in this way will reduce the cost of destruction and the period of time required for the implementation of the destruction plan and also reduce the dangers arising during the destruction process, especially at a time of extremely hot and dusty local weather conditions.

The PRESIDENT (interpretation from French): I thank the representative of Iraq for the kind words he addressed to me.

It is my understanding that the Council is now ready to proceed to the vote on the draft resolutions before it. Unless I hear any objection I shall put the draft resolutions to the vote in the order of their submission.

There being no objection, it is so decided.

I now put to the vote the draft resolution contained in document S/22686.

A vote was taken by show of hands.

In favour: Austria, Belgium, China, Côte d'Ivoire, Cuba, Ecuador, France, India, Romania, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen, Zaire, Zimbabwe

The PRESIDENT (interpretation from French): There were 15 votes in favour. The draft resolution has thus been adopted unanimously as resolution 699 (1991).

I now put to the vote the draft resolution contained in document S/22698.

A vote was taken by show of hands.

In favour: Austria, Belgium, China, Côte d'Ivoire, Cuba, Ecuador, France, India, Romania, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen, Zaire, Zimbabwe

The PRESIDENT (interpretation from French): There were 15 votes in favour. The draft resolution has thus been adopted unanimously as resolution 700 (1991).

I shall now call on members of the Council who wish to make statements following the voting.

Mr. AL-ASHTAL (Yemen) (interpretation from Arabic): Let me begin, Sir, by congratulating you most warmly on your assumption of the presidency of the Security Council for this month and on the wise leadership, skill and enthusiasm you have already displayed during your tenure.

I wish also to thank the Permanent Representative of China, who conducted the affairs of the Council last month with success.

We listened to the statement by the representative of Iraq and have read his letter addressed to the Secretary-General (S/22682), and are thus aware that Iraq is prepared to cooperate in the implementation of section C of resolution 687 (1991) through the plan the Council has just approved in its resolution 699 (1991). This follows upon Iraq's acceptance on 6 April 1991 of resolution 687 (1991) and of its implementation.

It was natural for my delegation to vote in favour of resolution 699 (1991), but I should like to state the following. When the delegation of Yemen abstained in the vote on resolution 687 (1991), with particular concern about its section C relating to the destruction of weapons of mass destruction,

(Mr. Al-Ashtal, Yemen)

we indicated that for the sake of maintaining international peace and security in the region we thought it essential to deal with the question of disarmament and the destruction of weapons of mass destruction on the basis of the entire region, not only for a single country.

(Mr. Al-Ashtal, Yemen)

It is well known that Israel possesses large quantities of chemical, bacteriological and nuclear weapons. Other countries in the area possess similar weapons. We believe that regional peace and security can be maintained only through a policy conducive to disarmament in the region as a whole. To deal with this problem by addressing one country exclusively, irrespective of the reasons for such an approach, would definitely lead to a military imbalance in the region, thus jeopardizing peace and security there. That is why we had hoped and wished that the question of disarmament would be considered in a broader perspective. We now hope that this is just the beginning and that similar measures will be taken regarding weapons of mass destruction in the Middle East.

Secondly, as regards paragraph 4 of the resolution, we believe that it is unjust to call upon Iraq to defray the costs of destroying these weapons, because the process of destruction itself has been imposed on Iraq and that country is currently experiencing a critical economic situation as a result of the embargo and the sanctions imposed on it since 6 August 1990. We have seen the reports prepared by such neutral circles as the United Nations Children's Fund (UNICEF) and the Harvard University mission, which show that the sanctions have led to serious difficulty for and harm to the Iraqi people, including the children. In addition to all the other victims of this destructive war, there are the Iraqi people, including the children. That is why we do not see any justification for calling on Iraq to bear the responsibility for paying for the destruction of these weapons.

The PRESIDENT (interpretation from French): I thank the representative of Yemen for his kind words addressed to me.

Mr. ZAMORA RODRIGUEZ (Cuba) (interpretation from Spanish): As this is my delegation's first statement at a formal meeting of the Council this month, permit me, Sir, to congratulate you on your assumption of the presidency of this body. I wish to convey to you how pleased we are to see you guiding our work during a month which is complex and full of activities, not only because of the relationship of friendship which unites our countries and Missions, but also because your diplomatic skills and the frank and open manner in which you conduct our deliberations will facilitate our task of achieving the most fruitful results possible in June.

I should also like to take this opportunity to congratulate Ambassador Li Daoyu, the Permanent Representative of China, for his leadership during the month of May. It is only elementary justice to note that it was owing to his perseverance and skilful work that the Council was able to take actions under his presidency for the maintenance of international peace and security, which is the Council's mandate under the Charter.

I should like to comment on resolution 700 (1991), which we have just adopted. First, our delegation deems it a mistake to have decided to entrust to the Committee set up under resolution 661 (1991) the function of supervising compliance with the sanctions in the area of weapons laid down in paragraph 24 of resolution 687 (1991). In Cuba's opinion - and as we had occasion to express during the bilateral consultations held by the Secretariat with a view to preparing the report in document S/22660, and subsequently during the informal consultations held by members of the Council a few days ago - the task of supervising the arms embargo against Iraq should have been entrusted to an organ set up for that purpose, not to the body which already exists for supervising economic sanctions.

(Mr. Zamora Rodriguez, Cuba)

My delegation is convinced that the economic sanctions, which first and foremost have an intolerable effect on the civilian population of Iraq, and which may give rise to consequences of unforeseen magnitude and seriousness, as has been clearly indicated by university researchers and the expert missions of the Organization itself, should speedily be lifted - indeed they should have been lifted - whereas the military sanctions embodied in the arms embargo could last for quite a long time and will be characterized by a complex array of features. We believe that during the period in which the two types of sanctions are dealt with by the same body we will experience various technical difficulties which will bring excessive pressure to bear on the so-called Committee on Sanctions.

Furthermore, the fact that there is no list of the products and materials subject to the embargo could possibly lead to excessive flexibility. This will not only complicate the work of the organ which supervises the implementation of paragraph 24 of resolution 687 (1991), but may also lead to confusion, whether intended or not, with regard to so-called dual-purpose materials whose import into Iraq would be prohibited. While we are the first to understand that the drafting of a list would be a difficult and lengthy task, such a list would have the merit of allowing us clearly to differentiate between materials for military uses and those which are not. This would be particularly useful when the economic sanctions under resolution 661 (1990) are lifted.

(Mr. Zamora Rodriguez, Cuba)

There are some elements of the Secretary-General's report (S/22660) on which we would like to comment. First, in paragraph 6 of the guidelines proposed by the Secretary-General, one of the functions of the Committee is to provide guidance to States and to international organizations on matters concerning the implementation of paragraph 24 of resolution 687 (1991) through the elaboration, as necessary, of relevant criteria. It also makes clear that the Committee, when needed, will reach agreed interpretations of items falling within the specified categories of proscribed items and activities. It seems to us that these functions are legislative in nature and that they would fall more readily within the purview of the Security Council than of one of its subsidiary bodies.

In another respect, in paragraph 10 of the report, under the heading entitled "Principles of implementation", we read that:

> "Nothing in the present guidelines will preclude any State or group of States from adopting further measures aimed at achieving effective implementation of the arms and related sanctions against Iraq, in accordance with the relevant provisions of resolution 687 (1991)".

In our view, this paragraph should not be interpreted as an invitation to impose unilateral measures that could go beyond the resolution itself, the provisions of which are binding on all States. However, although Cuba has stated and continues to express its agreement on the arms embargo against Iraq, my delegation believes that we should not miss the opportunity offered by the post-war period to facilitate in the Middle East - where the ratio of weapons to inhabitants is one of the highest in the world - agreements on security, disarmament and arms control which include all countries of the region without exception and which would constitute a natural corollary to

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serious and equitable efforts aimed at a just and lasting solution to the Arab-Israeli conflict, and in particular the Palestinian question, which is at its core.

I should now like to refer to resolution 699 (1991), which we have just adopted, on the destruction of specific types of weapons in Iraq in accordance with the provisions of section C of resolution 687 (1991). Although in the course of consultations among members of the Council attempts were made to answer questions raised by some delegations - and I appreciate those efforts - some elements contained in the resolution continue to be of concern.

First, we are concerned about the fact that the Secretary-General's report and the plan presented to us in compliance with paragraph 9 (b) of resolution 687 (1991), contained in document S/22614, has not included a specific timetable for the destruction or removal of weapons and materials in Iraq referred to in section C of the resolution. We understand the technical complexities of such activities, but the fact of not having a provisional timetable for these activities runs the risk that the process will be continued and create additional difficulties for the Iraqi people to return to a normal life and for the country to recover its sovereignty.

Cuba is of the view - and it has so stated in the relevant bodies considering international agreements on the elimination of weapons of mass destruction - that each country should bear all the costs of destroying its own weapons. However, in the light of the request made to the Secretary-General in operative paragraph 4 of the resolution just adopted that he submit to the Council within 30 days for approval recommendations as to the most effective means by which Iraq's obligations in this respect may be fulfilled, we should not lose sight of that country's real capacity to pay, bearing in mind the sanctions regime still in place and the fact that once it

(Mr. Zamora Rodriguez, Cuba)

is lifted Iraq will have to contribute to the compensation fund in accordance with amounts established by the governing council on the basis of the uppermost limits the Security Council may determine in due time.

Furthermore, we wish to state very clearly that, according to my delegation's interpretation, the assistance encouraged in operative paragraph 4 of the resolution is strictly voluntary in nature and in no way entails establishing any financing mechanism which would entail obligations for Member States in accordance with Article 17 of the Charter.

In connection with the item now under consideration, Sir, I recall the letter dated 19 April that I had the honour to address to the President for that month, the Permanent Representative of Belgium, reiterating the positions of my country at the time of the adoption of resolution 687 (1991), especially with regard to the selectivity in the area of the destruction and elimination of certain types of weapons.

It is well known that Cuba is in favour of the universal elimination of nuclear, chemical and biological weapons and all means of delivery, including ballistic missiles. In that context, it is our firmest belief that the elimination of these types of weapons and means of delivery, instead of having been imposed selectively on Iraq, should be imposed in a regional context without exception based on political or other considerations and should have included Israel, a country which not only possesses weapons of mass destruction but also maintains a policy of aggression in the Middle East in defiance of Security Council decisions.

We are pleased to see that other members of the Council concur with our views on the elimination of these types of weapons and military means, as can be seen in documents recently issued.

The PRESIDENT (interpretation from French): I thank the representative of Cuba for his kind words addressed to me.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 5.30 p.m.